

OTR VISIT

1430-1500, Tues, 27 May 1980

Rm. 902, CoC Bldg

1980 vs 1990 - People
What I Expect From Training

- * Training in any organization - absolutely vital. Foundation on which all else builds.
 - means preparing individuals for new/different responsibilities.
 - means transmitting new ideas (modernization)
 - means acts as thread of continuity (understand tradition but prepare for future)
- * Therefore, each of you has serious responsibility to the health and future of the Agency.
- * How carry out that responsibility? Three major ways:
 - 1) OTR must keep self in mainstream of Agency - can't let self become separate entity - isolated - wedded to same courses/program.
 - must know what happening to each directorate.
 - must know where Agency and IC going.
 - each of you has personal responsibility to your students and OTR to stay plugged into the operating side.

Because only then can you carry out second responsibility:

- 2) Act as a catalyst for change
 - Training program must be dynamic - one step ahead of needs, so your students ready when needs fully develop.
 - Change/progress - hard bring about in any organization. Especially difficult in ours because of necessary insularity from public and rest of govt which secrecy engenders.
 - Therefore, you must help bring it about through
 - * understanding of where we're going
 - * sensitivity for what that means to your students
 - * finding effective ways to transmit those new ideas to your students.

And, of course, the affect you have on your students is the third - but most important of your responsibilities:

- 3) Training has but one goal - in my opinion: to change the way a student thinks about issues/problems.

Unless you are affecting thinking, your work will have no lasting effect.

How do you do that?

- Active student involvement (not passive receiver of information)
- Through his experiences in your course, force student reassess thinking
- And - very important - student must be challenged to limits of capability - that is the only way we grow intellectually.

Means -

- * Every minute in and out of class counts -
- * Don't waste student's or own time - time in OTR is time away from desk (small Agency; can't afford) -- cut courses to bone.

- * I congratulate you for your efforts to date - making good progress along these lines. But urge you to continue to -

- Question
- Reassess
- Make all courses/programs as vital/dynamic/challenging as you know how.

Where CIA going?

Pers mgmt
Planning
Care & feeding
Leadership

3 charges

Sov Analysis
Alic's

LDC's - new mat'l

Concl in collection - 2 -

Training

CT - Familiarization
Innovation, tradition, team
Expand to all

Training courses
~~that~~ - specialize - skills

Md Career - Expand again -
Team Not today
Where going

Student input = output

Next 2 Page(s) In Document Exempt

ARTICLE APPEARED
ON PAGE A-7

NEW YORK TIMES
22 MAY 1980

U.S. Says Russians Develop Satellite-Killing Laser

By RICHARD BURT

Special to The New York Times

WASHINGTON, May 21 — An authoritative intelligence estimate produced by the Carter Administration has concluded that the Soviet Union has developed a ground-based laser weapon that could be used to destroy American space satellites.

Government officials said the estimate, which was sent to President Carter last week, also reports that American intelligence has found evidence that Moscow is working on an antisatellite laser

weapon that could be deployed in space by the mid-1980's.

The Soviet development is not viewed as altering the overall Soviet-American military balance, but it is said to have presented the Pentagon with some troubling questions because the United States has recently become more dependent on satellites for early warning, communications and reconnaissance. Moscow's ground-based laser, the officials said, is probably effective only against low-orbiting American satellites, mostly those used in surveillance systems.

A Soviet laser weapon based in space, they added, would be able to strike high-altitude craft, such as communications satellites.

The officials said that the estimate, which was prepared by the Central Intelligence Agency and other information gathering agencies, concluded that Moscow was pursuing a vigorous program to develop laser weapons. The estimate says there is "evidence of a Soviet project to develop a space-based laser weapon that we believe may have an antisatellite application."

Intelligence officials are in general agreement that the Soviet Union has a laser system that is capable of destroying low-orbiting American satellites. But some experts expressed skepticism about whether Moscow would be able to deploy an antisatellite laser weapon in space during this decade.

While the intelligence estimate reports that Moscow must still work out several technical problems before it can place laser weapons in space, it adds that "such weapons may be available for operational use in the mid- to the late 1980's."

The estimate has stirred a debate within the Administration and on Capitol Hill over the adequacy of American programs to develop laser weapons. The Administration plans to spend about \$200 million on developing laser weapons this year, but most of this is earmarked for research on short-range weapons that could be used to defend ships and aircraft.

The United States Air Force, officials said, has begun to examine the possibility of building a laser-powered antisatellite weapon, but Pentagon specialists believe that such a system is unlikely to be available before the 1990's.

There is growing interest in technical circles over the potential of laser weapons because some experts believe they could transform warfare.

In outer space laser weapons would be particularly effective in destroying satellites. Some specialists also believe that at some future time laser "battle-stations" could provide the Soviet Union with the means of defending itself against American ballistic missiles.

The New York Times reported on Feb. 10 that a secret report transmitted to Congress last year concluded that Moscow "probably" had developed ground-based laser weapons. Intelligence experts have also assumed that Moscow was exploring ways to develop a laser system that would be deployed in space.

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PM-COLBY 5-22

BINGHAMTON, N.Y. (UPI) -- FORMER CIA DIRECTOR WILLIAM COLBY SAYS THE DISPUTE OVER A NEW CHARTER HAS FORCED THE AGENCY TO PAY TOO MUCH ATTENTION TO CONGRESS AND NOT ENOUGH TO INTELLIGENCE GATHERING. A NEW CIA CHARTER WON'T BE APPROVED THIS YEAR BECAUSE OF THE DISAGREEMENT IN THE SENATE, COLBY PREDICTED IN A WEDNESDAY SPEECH TO A BINGHAMTON BUSINESS GROUP.

COLBY SAID THE DEBATE WAS SPLIT BETWEEN "THOSE WHO WOULD LIKE TO GO BACK TO THE OLD DAYS AND THOSE WHO WANT TO FESTOON OUR INTELLIGENCE SERVICE WITH THINGS THAT MAKE WORKING DIFFICULT."

"I'M DISAPPOINTED WE CANNOT PUT TOGETHER A CONSENSUS ON A CHARTER," HE SAID. ABOUT 25 PROTESTERS MARCHED OUTSIDE THE BUILDING WHERE COLBY SPOKE. THEY WERE MEMBERS OF A GROUP AT THE STATE UNIVERSITY AT BINGHAMTON WHO WERE PROTESTING CIA INVOLVEMENT IN ANGOLA, CHILE AND VIETNAM.

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What is especially surprising is that the Supreme Court took such a far-reaching step when Congress had pointedly declined to do so. The United States has never had a statute generally prohibiting the disclosure of classified information. Absolute liability for such disclosure has been attached by Congress only to specific categories of highly-sensitive information, notably that related to codes and nuclear data. The Ford Administration proposed a new statute to restrict intelligence disclosures, but Congress did not pass it.

It has been a fundamental rule of the Constitution that the Executive may not apply to the citizen, or get the courts to apply, a remedy that Congress has declined to authorize. That Separation of Powers doctrine, as it is called, was a major element in the Supreme Court's Pentagon Papers decision of 1971. Five members of the Court noted that Congress had not authorized the injunction sought by the government against publication of the papers by *The New York Times*. Justice White said:

At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the Executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publication by the press.

In many ways, then, *Snepp* was an extreme example of judicial "activism"—the word usually invoked by conservatives to condemn new doctrine in favor of individual rights. Why did the majority reach out so far to make law in behalf of government secrecy? The best guess is that the justices were impressed, even awed, by the functions of the CIA—and were genuinely outraged by *Snepp's* behavior. An unusual footnote to their opinion said every President since Franklin Roosevelt had considered an intelligence agency "essential to the security of the United States and—in a sense—the Free World." The footnote ended, "See generally T. Powers, *The Man Who Kept the Secrets* (1979)." The justices were no doubt unaware that the Powers book, unlike *Snepp's*, makes significant disclosures of classified material.

One important question now is how the CIA will exercise its broad new censorship authority. Will it try to prevent publication of merely embarrassing material, such as the fact (which it first cut from Marchetti's manuscript) that Richard Helms had mispronounced the name of the Malagasy Republic? Or will it censor only genuine intelligence secrets? The Fourth Circuit upheld deletion whose tepid character has been demonstrated in later FOIA releases of some of the material.

Cord Meyer, who has written a book covering his 26 years with the CIA, described in *The Washington Star* his experience with "how peacetime censorship is working in this country." Meyer said he saw no tendency to delete merely embarrassing or critical material. But he did find some "real problems" in getting his manuscript cleared by the agency, he said. He had to spend much time and money,

to show the censors that material once classified had come into the public domain. They also tried to delete "whole sections of a chapter describing how a typical KGB station operates abroad," even though that was no secret to the Soviets. But higher officials were persuaded to leave those in.

"Fortunately," Meyer wrote, "the Federal courts have held that it is not sufficient for the government to prove that information has been stamped 'secret.' The burden of proof is on the government to demonstrate that release of the information could cause damage to the national security."

Unfortunately, Meyer's optimism is not supported by the judicial record to date. Courts have been highly reluctant to second-guess classification decisions by the CIA. The Fourth Circuit in the second Marchetti case, *Knopf v. Colby*, held that a classification stamp was sufficient without proof of likely damage to the national security.

Congress ought to provide the explicit guidelines that are inevitably lacking when the Supreme Court makes law so suddenly in an uncharted field. At a minimum the extreme remedies of prior restraint—injunctions against writing and speaking about government activities—and of financial punishment should be restricted to a limited number of agencies explicitly authorized by Congress to impose a secrecy contract as a condition of employment (in certain highly sensitive positions). And censorship should be allowed to reach only those matters that could really, as Cord Meyer said, damage the national security.

It is up to Congress now to supply what Justice White in the Pentagon Papers case said must underlie judicial remedies, especially in the area of speech and publication: legislation "based on its own investigation and findings."

Anthony Lewis is a columnist for the *New York Times*. These views are not necessarily those of the *Times*.

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FIRST PRINCIPLES
CENTER for NATIONAL SECURITY STUDIES
MAY 1980

Snepp: The Case for Judicial Restraint

by Anthony Lewis

Guest
Point of
View

The Warren Court was often chided by conservatives for failing to exercise self-restraint—for reaching out to decide issues instead of leaving them, at least in the first instance, to the political branches of government. Given the great power of the Supreme Court, it *should* be wary of overreaching. But the caution should apply whether a novel decision is being made in the interests of the individual or of the state.

In the case of Frank Snepp, the Court reached out for novel doctrine that greatly enlarges the state's power to suppress what it defines as official secrets. The Court acted without explicit congressional guidelines, in an area where Congress has done much legislating, and it acted in a summary manner that violated its own traditions. The result is to give this country the first elements of an Official Secrets Act: the statute that in Britain has been condemned by repeated studies as an unjustified obstacle to informed democratic control of government.

Snepp was a Central Intelligence Agency man in Vietnam. After leaving the agency in 1976 he wrote a book, *Decent Interval*, that criticized the performance of Secretary of State Kissinger, Ambassador Graham Martin, and CIA officials in the final days—criticized them in particular for leaving behind, when the Americans pulled out in 1975, many Vietnamese who had worked for the CIA and other U.S. agencies.

Like all CIA employees, Snepp on joining the Agency had signed an agreement not to publish anything about it without its prior approval. In the earlier case of Victor Marchetti, the U.S. Court of Appeals for the Fourth Circuit had decided (and the Supreme Court declined to review the decision) that that promise was a legally-binding contract, enforceable by injunction. But *Decent Interval* appeared before officials knew about it: too late for an injunction against publication. The government instead sought to penalize Snepp financially, to discourage others from following his example.

Damages are the usual remedy for breach of contract; but in suing, the Government sought something more: a "constructive trust" that would take all of Snepp's profits from the book and give them to the Government. It won that from the trial judge, but the Fourth Circuit said the proper remedy was punitive damages, fixed by a jury. Snepp asked the Supreme Court to review the whole theory that his promise was an enforceable "contract."

The Government opposed review, saying that it was content with the Fourth Circuit decision. But if the Supreme Court heard the case, it said, it would argue for the constructive trust remedy.

The Supreme Court took the case and decided it summarily, without hearing argument. A 6-3 majority, in an unsigned opinion, found that Snepp had violated both his "contract" and a "trust inherent in his position." The Court imposed a constructive trust on Snepp, requiring him "to disgorge the benefits of his faithlessness."

The manner of the decision was extraordinary. Because the government had only conditionally raised the question of the remedy, saying it was satisfied with what it had won in the Court of Appeals, Snepp's lawyers had not briefed the legal issue of constructive trusts—much less had an opportunity to argue it orally. Justice Stevens, in the dissenting opinion, said he had been able to find no precedent for the Supreme Court thus reaching out to decide a question without giving counsel some chance to discuss it.

The matter—the substance of what was decided—was even more remarkable. For the Court did not stop at holding that CIA employees who sign formal secrecy undertakings are legally bound by them. It did not stop at affirming that those persons may be enjoined from writing or speaking about the agency's secret work, as Victor Marchetti was, or may be financially punished for publishing without prior clearance. The Court raised the possibility that those draconian devices may be applied to anyone in government who has access to significant classified material.

"Quite apart from the plain language of the [secrecy] agreement," the Supreme Court said, "the nature of Snepp's duties and his conceded access to confidential sources and materials could establish a trust relationship." Elsewhere the opinion implied that Snepp's position not only could but did create "a fiduciary obligation" not to say anything without his superiors' approval.

Thousands of people in the Defense and State Departments and elsewhere have access to material as secret as that known to Frank Snepp, who was not a high CIA official. Potentially, therefore, any one of those persons can be enjoined from speaking about abuses in his agency or deprived of his royalties for publishing without approval a book critical of agency policy. In effect the Court has given the government the outlines of a broad new secrecy law, which future judicial decisions can fill in.

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CIA: _____

ACTIVITIES BY FORMER CIA AGENT FRANK SNEPP. THE SNEPP ACTION WAS UPHOLD BY THE U.S. SUPREME COURT. ON ENTERING AND LEAVING THE CIA, EMPLOYEES SWEAR TO AN OATH THEY WILL NOT REVEAL ANY OF THE AGENCY'S ACTIVITIES WITHOUT PRIOR APPROVAL.

IN ADDITION TO THE ALLEGED CIA CHIEF OF STATION IN ALGERIA, COVERT ACTION NAMED AN ALLEGED CASE OFFICER THERE AND ALLEGED CHIEFS OR DEPUTY CHIEFS OF STATION AND CASE OFFICERS IN ARGENTINA, AUSTRIA, BOHEMIA, BURUNDI, CANADA, ECUADOR, FINLAND, FRANCE, GUATEMALA, GUYANA, HAITI, INDIA, JAPAN, JERUSALEM, LIBYA (FROM WHERE ALL U.S. DIPLOMATIC PERSONNEL WERE WITHDRAWN RECENTLY AND WHERE 2 U.S. OIL COMPANY EMPLOYEES ARE BEING HELD BY LIBYAN AUTHORITIES AS "SPIES"), MALI, NEPAL, NIGERIA, NORWAY, PAKISTAN, SRI LANKA, SUDAN, SWAZILAND, TUNISIA, UNITED KINGDOM, ZAIRE AND ZAMBIA.

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AM-COVERT 5-22

WASHINGTON (UPI) - COVERT ACTION INFORMATION BULLETIN, A PERIODICAL WHICH STATES ITS OBJECT AS DESTRUCTION OF AMERICAN INTELLIGENCE AGENCIES, TODAY PUBLISHED THE NAMES AND SOME BIOGRAPHICAL AND OTHER DETAILS ON 40 ALLEGED CIA OFFICERS AND AGENTS SAID TO BE OPERATING IN 31 COUNTRIES.

THE LIST INCLUDED 13 ALLEGED CHIEFS OF STATION, 8 DEPUTY CHIEFS, AND 19 SENIOR "CASE OFFICERS" - OFFICERS WHO SUPERVISE LOCAL AGENTS. ONE OF THE DEPUTY CHIEFS ABROAD WAS IDENTIFIED AS A WOMAN.

NOTING THAT LEGISLATION WAS PENDING IN CONGRESS TO MAKE A CRIMINAL OFFENSE THE UNAUTHORIZED IDENTIFICATION OF INTELLIGENCE PERSONNEL, COVERT ACTION SAID IT WOULD CONTINUE TO NAME NAMES.

"WE DO NOT BELIEVE THAT IT CAN BE CONSTITUTIONALLY SUPPRESSED BY THE GOVERNMENT," THE PERIODICAL SAID. "IF ANY OF THE PROPOSED LAWS DESIGNED TO CENSOR THIS COLUMN OUT OF EXISTENCE ARE PASSED WE CAN ASSURE OUR READERS THAT WE WILL FIGHT THEM IN THE COURTS."

A CIA SPOKESMAN SAID, "WE THINK THAT THE REVEALING OF NAMES BY COVERT ACTION IS NOT HELPFUL TO OUR LEGITIMATE RESPONSIBILITIES. WE SUPPORT EFFORTS IN CONGRESS TO DEVISE SOME LEGISLATION WHICH WILL HELP CURTAIL SUCH EFFORTS BY INDIVIDUALS, SUCH AS THOSE WHO WORK FOR COVERT ACTION."

AMONG ALLEGED CIA PERSONNEL IDENTIFIED, WERE THOSE SAID TO BE WORKING IN SUCH SENSITIVE AND POTENTIALLY DANGEROUS POSTS AS ALGERIA, GUATEMALA, JERUSALEM, LIBYA AND ZAIRE.

IN IDENTIFYING THE ALLEGED CHIEF OF STATION IN ALGIERS, COVERT ACTION NOTED THE SAME MAN HAD BEEN EXPOSED BEFORE BY RENEGADE CIA AGENT PHILIP AGEE AS HAVING BEEN AN AGENT IN JAMAICA.

AGEE, WHO FLED THE UNITED STATES 11 YEARS AGO TO AVOID CIA REVIEW OF A BOOK HE WAS WRITING ABOUT THE AGENCY, IS LISTED AS A MEMBER OF COVERT ACTION'S BOARD OF ADVISORS.

PRESENTLY LIVING IN HAMBURG, WEST GERMANY, AGEE RECENTLY CAME WITHIN THE JURISDICTION OF THE U.S. COURT SYSTEM WHEN THE JUSTICE DEPARTMENT FILED SUIT AGAINST HIM FOR THE PROFITS FROM HIS BOOKS, DIRTY WORK: THE CIA IN WESTERN EUROPE, AND DIRTY WORK II, THE CIA IN AFRICA, BOTH WERE WRITTEN ABROAD.

THE JUSTICE DEPARTMENT MOVED AFTER THE CIA SUCCESSFULLY RECOVERED THE PROFITS OF ANOTHER UNAUTHORIZED BOOK WRITTEN ABOUT AGENCY

Pg. 1 of 2

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ARTICLE APPENDED
ON PAGE A-10

WASHINGTON STAR
22 May 1980

CIA Abandons Effort To Censor Ex-Agent

The CIA has apparently backed off its effort to censor a former agent's coming book, "Ropes of Sand," about United States intervention in the Middle East during the 1950s.

W.W. Norton and Co., publishers of the book by Wilbur Crane Eveland, has announced that the book, originally scheduled for publication Monday, will be released June 9. In mid-March, the CIA obtained an agreement that the book would not be published until the agency could review it. A spokesman for Norton said the CIA intends to review the book after publication and take steps to mitigate any damage done by the unauthorized release of classified information.

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LOUISVILLE COURIER-JOURNAL (KY.)
7 MAY 1980

Scrapping spy-agency charter won't solve CIA's problems

WITH THE NATION suffering a massive case of nervous jitters, it's hardly surprising that plans to impose a comprehensive charter on the Central Intelligence Agency have been consigned to the legislative scrapheap. The prevailing mood on Capitol Hill is to give the CIA just about anything it wants in a desperate effort to relieve our sense of helplessness on the world stage, and to counter the moves of an increasingly powerful Soviet Union.

Kentucky's Walter Huddleston, whose Senate subcommittee painstakingly drafted a 171-page charter for the CIA, FBI and other intelligence agencies, is disappointed but resigned. He told *Courier-Journal* staff writer Ed Ryan last week that a sharply scaled-down intelligence measure will be pushed this year, and another try for a full charter may come in 1981.

But even Senator Huddleston, usually a political realist, may be too optimistic. America seems sliding toward a new and prolonged Cold War, a sort of mental state of siege. Conditions have changed dramatically from the congressional and public dismay, in the mid-1970s, at widespread abuses in the name of national security. That dismay and disgust prompted calls for reform, even at the expense of somewhat reduced efficiency in the CIA and occasional inconvenience to over-eager presidents and CIA and FBI directors.

The irony is that the new "unleash-the-CIA" mood is scuttling the Huddleston subcommittee's reform effort without addressing the agency's real weakness: analysis of information it has gathered. As Ernest Conine of *The Los Angeles Times* reported the other day in this newspaper, there is a growing conviction among outside observers that the CIA has consistently and seriously underestimated the pace and scale of the Soviet military buildup,

especially the development and deployment of new strategic nuclear weapons.

This has occurred, most observers think, not because the agency lacks facts but because CIA analysts just couldn't believe the Soviets had the will, and the technical know-how, to catch up with and surpass the U.S. The facts, in the form of millions of spy satellite pictures and radio intercepts, were available. Sound analysis and judgment weren't.

The Huddleston subcommittee's proposed charter would have set new rules on how information is gathered and how covert operations are handled. It would have protected the rights of American citizens and the integrity of such American institutions as the press and the clergy. It would not have dictated how the CIA is to analyze information once it is gathered. It would neither have encouraged nor discouraged the sorts of analytical errors that have occurred in recent years.

Yet the consequences of past errors — such as a more powerful than anticipated Soviet Union and a virulently anti-American revolutionary Iran — have combined to overwhelm reforms having nothing to do with intelligence analysis. That's doubly a shame. It means an indefinite wait for a more accountable CIA. And it distracts attention from the agency's most disturbing weaknesses.

DCI-7

SIDE A

8 1/2 - 8 3/4

27 MAY 1980

REMINDER MEMO

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Talk to about more emphasis on the DCI's budget items coming off the top.

More emphasis on closed-circuit transmissions;

More emphasis on secure telephones;

More money for APEX.

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27 MAY 1980

REMINDER MEMO

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Xerox copies routed

WHEELING INTELLIGENCER (W. VA.)
30 April 1980

Not Their Role

Admiral Stansfield Turner, director of the Central Intelligence Agency, created an uproar among American journalists recently when he said he sees nothing wrong with recruiting overseas employees of U.S. news organizations as spies. The statement should cause all Americans to be equally concerned.

A major flap resulted a few years back when it was revealed that the CIA had been using American journalists overseas for covert intelligence gathering duties. George Bush, then CIA director, announced in 1976 that the practices would be halted. And Turner, in 1977, reiterated the policy—with a loophole that didn't get much attention at the time: he said the exception would be if the director specifically gave his approval.

However, appearing before the annual convention of the American Society of Newspaper Editors in Washington earlier this month, Turner said he endorses the idea of recruiting a journalist for CIA duties "when it is vitally important to the nation." Turner, who also reversed a previous stand and refused to promise that CIA agents wouldn't pose as journalists, said, "I think a lot of correspondents are patriotic enough to do this."

We don't dispute that most journalists are patriotic, but

Turner misses the point. Namely, that the use of even one journalist for CIA purposes would have an adverse effect on all journalists working overseas for American news organizations. Their integrity and independence would be compromised. And the discovery of a CIA agent posing as a journalist would cast suspicion on all journalists.

The job of U.S. journalists is to report the news fairly and accurately. And to do this they must be totally independent. A connection with the CIA or any other government agency would have the potential for two things: drying up news sources overseas (not everyone wants to talk with a newsman who also may be a CIA spy) and destroying the confidence of those back home (a reader could but wonder about the objectivity of a newsman serving two masters).

The New York Times put it this way: "We argue from the premise that free American inquiry around the world has a greater value than any occasional intelligence mission."

Most major American news organizations with representatives overseas prohibit those employees from working for the CIA on the side, and rightly so. Journalists are the eyes and ears of the public, and their objectivity should not be compromised.

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